

**REMARKS**

Claims 1-20 are pending in the application.

Applicants appreciate the Examiner's prompt indication that claims 7, 8, and 12 define allowable subject matter. Applicants' response to the anticipation rejection set forth in the Office Action is set forth in the following discussion.

**Anticipation Rejection Under 35 U.S.C. § 102(b)**

The Examiner has rejected claims 1-6, 9-11, and 13-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. US 6,483,741 B1 to Iwasaki et al. For the reasons explained below, Applicants respectfully assert that Iwasaki et al. fail to identically disclose each and every feature specified in independent claims 1, 11, and 16.

Independent claims 1, 11, and 16 define a magnetic random access memory (MRAM) cell and a method for performing a write operation to the MRAM cell. Among other features, the MRAM cell includes a pair of writing magnets that switches a magnetic alignment of a magnetic device during a write operation by generating a field strength.

In support of the anticipation rejection, the Examiner alleges that Iwasaki et al. disclose a pair of writing magnets that switches the magnetic alignment of the magnetic device, as specified in independent claims 1, 11, and 16. Applicants respectfully traverse the Examiner's characterization of Iwasaki et al. relative to independent claims 1, 11, and 16 because the portions of the reference relied upon by the Examiner (Figure 12; column 26, lines 57-67; and column 27, lines 1-67) do not disclose a pair of writing magnets that switches the magnetic alignment of the magnetic device. In particular, the Examiner alleges that arm pattern B-B' of Figure 12 is a pair of writing magnets. In actuality, however, Iwasaki et al. disclose that arm pattern B-B' "of the cruciform pattern has a structure in which a lower *wire* 73, an insulating layer 74, and an upper *wire* 75 are sequentially stacked to each other" (column 27, lines 16-18 (emphasis added)). Accordingly, arm pattern B-B' is simply

wires that are connected to a magnetic switching device. In contrast, independent claims 1, 11, and 16 define a pair of writing *magnets* – not wires.

Furthermore, to perform swing-by switching, Iwasaki et al. disclose the use of “a piezoelectric layer imparting a stress to the [magnetic layer] 72a or a connection control layer for turning ON/OFF an exchange interaction” (column 27, lines 28-31). In other words, Iwasaki et al. disclose the use of magnetostriction-induced magnetic anisotropy that uses “stress as a drive force” for switching (column 23, line 63). Thus, Iwasaki et al. disclose the use of a piezoelectric layer for switching. In contrast, independent claims 1, 11, and 16 specify the use of writing magnets that generate a field strength to switch a magnetic alignment. As Iwasaki et al. do not disclose a pair of writing magnets and disclose a completely different method for switching, Iwasaki et al. cannot reasonably be considered to disclose the pair of writing magnets that switches the magnetic alignment of the magnetic device, as specified in independent claims 1, 11, and 16.

For at least the reasons set forth above, Iwasaki et al. fail to disclose each and every feature of the claimed subject matter. Accordingly, independent claims 1, 11, and 16 are patentable under 35 U.S.C. § 102(b) over Iwasaki et al. Claims 2-6, 9-10, 13-15, and 17-20, each of which depends from one of independent claims 1, 11, and 16, are likewise patentable under 35 U.S.C. § 102(b) for at least the same reasons set forth above regarding the applicable independent claim.

### **Conclusion**

In view of the foregoing, the Applicants respectfully request reconsideration and reexamination of claims 1-20 (of which claims 7, 8, and 12 have already been indicated as defining allowable subject matter), and submit that these claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may

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reach the undersigned at (408) 749-6902. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MXICP024).

Respectfully submitted,  
MARTINE PENILLA & GENCARELLA, L.L.P.

A handwritten signature in black ink, appearing to read 'P. B. Martine', with a stylized flourish at the end.

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